

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

|                                 |   |                   |
|---------------------------------|---|-------------------|
| _____                           | ) |                   |
| NATIONAL GRID USA SERVICE CO.,  | ) |                   |
| INC.,                           | ) |                   |
|                                 | ) |                   |
| Plaintiff,                      | ) |                   |
|                                 | ) |                   |
| v.                              | ) | C.A. No. 15-243 S |
|                                 | ) |                   |
| JAMES LOMBARDI in his Capacity  | ) |                   |
| as the Treasurer of the CITY OF | ) |                   |
| PROVIDENCE,                     | ) |                   |
|                                 | ) |                   |
| Defendant.                      | ) |                   |
| _____                           | ) |                   |

**ORDER**

WILLIAM E. SMITH, Chief Judge.

This case involves a dispute over who is responsible for paying for the utilities provided to the Hurricane Barrier in the City of Providence. Before the Court are three motions relating to the parties' respective pleadings. First, Defendant seeks to strike Plaintiff's Amended Complaint because Plaintiff did not seek leave to file it. (ECF No. 11.) Perhaps recognizing its error, Plaintiff subsequently filed a Motion for Leave to File an Amended Complaint. (ECF No. 13.) Plaintiff attaches the same Amended Complaint that is subject to Defendant's Motion to Strike. (Compare ECF No. 10 with ECF No. 13-1.) In the proposed Amended Complaint, Plaintiff seeks to add claims against a third-party, the United States Army Corp of Engineers, alleging that it is

responsible for a portion of the utilities to the Hurricane Barrier. (ECF No. 13-1.) Finally, Defendant seeks leave to file a Third Party Complaint against the United States Army Corp of Engineers. (ECF No. 12.) Like Plaintiff, Defendant believes the Corp is responsible for a portion of the utilities at issue in this action. No party filed oppositions to the various motions. The Court, thus, orders as follows:

- (1) Defendant's Motion to Strike (ECF No. 11) is GRANTED;
- (2) Defendant's Motion for Leave to File Third Party Complaint (ECF No. 12) is GRANTED;
- (3) Plaintiff's Motion for Leave to File an Amended Complaint (ECF No. 13) is GRANTED. To ensure clarity of the record, Plaintiff shall refile its Amended Complaint as the "Second Amended Complaint."

IT IS SO ORDERED.



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William E. Smith  
Chief Judge  
Date: April 19, 2016